

Exhibit 1



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July 18, 2014

Via Email and Fax: (512) 495-9139

Cynthia Burton
Bruce Garcia
Assistant Attorney General
P.O. Box 12548
Capitol Station
Austin, Texas 78711

Re: *Caddell v. Livingston, et al.*, 3:14-cv-2249 (N.D. Tex.) (Fitzwater, C.J.)

Dear Ms. Burton and Mr. Garcia:

We received your clients' motion to dismiss the above referenced case under the Prison Litigation Reform Act's exhaustion and remedies requirement.

As you should be aware, this is a legally frivolous argument. Mr. Caddell was no longer in custody when the lawsuit was filed, and thus was not a "prisoner" under the meaning of PLRA. As such, he is not required to exhaust administrative remedies and is not otherwise bound by any provisions of the PLRA. *See, e.g. Janes v. Hernandez*, 214 F.3d 541, 543 (5th Cir. 2000); *Shanklin v. Chamblin*, 2012 WL 2376271, *4 (W.D. Tex. June 22, 2012) (Austin, Mag. J.)(collecting cases).

Please withdraw the motion, as it is not "warranted by existing law" under Federal Rule of Civil Procedure 11. If you do not withdraw the motion by July 21, Plaintiff will be required to respond to it, and will seek attorneys' fees and costs for your pursuit of this frivolous argument.

Thank you for your attention to this matter.

Sincerely,

Jeff Edwards